

CHAPTER 555 - CONTROL OF INSECTS, PESTS AND NOXIOUS WEEDS

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NRS 555.470**Enforcement by Director: Administrative fine; order to correct violation; request for action by district attorney; regulations.****RODENT CONTROL DISTRICTS****NRS 555.500****Legislative declaration.****NRS 555.510****Creation of district: Petition; notice and hearing; exclusion of land.****NRS 555.520****Board of directors: Number; qualifications; appointment; terms; vacancies.****NRS 555.530****Board of directors: Powers.****NRS 555.540****Regulations.****NRS 555.550****Submission of plans by landowners after promulgation of regulations; performance of necessary work by rodent control officer on failure by landowner; charges as lien.****NRS 555.560****Assessments; liens; loans.****NRS 555.570****Penalty.****GENERAL PROVISIONS****NRS 555.005 Definitions.** As used in this chapter, unless the context requires otherwise:

1. "Department" means the State Department of Agriculture.
2. "Director" means the Director of the Department.
3. "Noxious weed" means any species of plant which is, or is likely to be, detrimental or destructive and difficult to control or eradicate.
4. "Vertebrate pest" means any animal of the subphylum Vertebrata, except predatory animals, which is normally considered to be a pest, including a gopher, ground squirrel, rat, mouse, starling, blackbird and any other animal which the Director may declare to be a pest.
(Added to NRS by 1961, 512; A 1975, 555; 1993, 1709; 1997, 479; [1999, 3640](#))

NRS 555.010 Director: Authorization to investigate and control pests, plant diseases and disorders, and noxious weeds. Within the limits of any appropriation made by law, the Director may:

1. Investigate the prevalence of; and
 2. Take the necessary action to control,
- vertebrate and invertebrate pests of plants and animals, plant diseases, physiological plant disorders and noxious weeds for the protection of the crops, livestock, public health, wildlife, water quality and beneficial uses of land in the State of Nevada.
[1:53:1941; 1931 NCL § 373.01] + [1:108:1943] + [1:179:1945] + [1:217:1947; 1943 NCL § 373.04]—(NRS A 1959, 245; 1961, 521; 1967, 316; 1975, 555; 1993, 1709; 1997, 479; [1999, 3640](#))

NRS 555.021 Director: Cooperation for suppression of vertebrate pests. The Director may cooperate, financially or otherwise, with any federal agency or Department, any other state agency or department, any county, city, public district or political subdivision of this State, any public or private corporation, and any natural person or group of natural persons in suppressing vertebrate pests injurious to the state agricultural interests and in suppressing vertebrate pest vectors of diseases transmissible and injurious to humans.
(Added to NRS by 1975, 555; A 1993, 1710; [1999, 3640](#))**NRS 555.031 Weed Control Analyst: Creation; appointment.**

1. The position of Weed Control Analyst is hereby created in the Department.
2. The Director shall appoint the Weed Control Analyst. The person so appointed:
 - (a) Is in the classified service of the State;
 - (b) Must be a scientist who possesses a master's degree in one of the biological sciences from an accredited college or university; and
 - (c) Must be selected on the basis of his training, experience, capability and interest in biological methods of controlling noxious weeds.
 (Added to NRS by [1999, 2849](#))

NRS 555.033 Weed Control Analyst: Duties. The Weed Control Analyst shall:

1. Research biological methods of controlling noxious weeds in this State;
 2. Document the effectiveness of those methods in controlling noxious weeds;
 3. Develop strategies for managing noxious weeds in this State; and
 4. Perform such other duties as requested by the Director.
- (Added to NRS by [1999, 2849](#))

NRS 555.035 Account for the Control of Weeds; creation; use of money in Account; acceptance of gifts and grants.

1. There is hereby created in the State General Fund the Account for the Control of Weeds to be administered by the Director. Money in the Account must be used for the abatement of weeds. The Director may adopt regulations for the administration of the Account.
2. The Account is a continuing account without reversion to the State General Fund. The money in the Account must be invested as the money in other state funds or accounts is invested. The interest and income earned on the money in the Account, after deducting any appropriate charges, must be credited to the Account. All claims against the Account must be paid as other claims against the State are paid.
3. The Director may accept gifts, grants and donations from any source for deposit in the Account.
(Added to NRS by [2005, 2452](#))

NRS 555.100 Department to conduct inspections; notice to control, treat or eradicate pest or plant disease.

1. The Department shall, if necessary or if a complaint is made to the Department, cause an inspection to be conducted of any premises, land, means of conveyance or article of any person in this State, and if found infested with any pest or plant disease that is injurious to:
 - (a) The public health or quality of any water in this State; or
 - (b) Any wildlife, beneficial use of land or agriculture in this State,
 ➤ the Department may provide a written notice of its findings to the owner or occupant of the premises, land, means of conveyance or

article and require him to control, treat or eradicate the pest or plant disease in the manner and within the period specified in the notice.

2. A notice issued pursuant to the provisions of subsection 1:

(a) May be served upon the owner or occupant by an officer or employee of the Department; and

(b) Must be served in writing, by certified mail or personally, with receipt given therefor.

[Part 1:56:1917; 1919 RL p. 2628; NCL § 449]—(NRS A 1961, 522; 1993, 1710; [1999, 3640](#); [2001, 699](#); [2003, 533](#))

NRS 555.110 Premises infested with pest or plant disease declared to be public nuisance; abatement by Department.

1. Any premises found to be infested with any pest or plant disease is hereby adjudged and declared to be a public nuisance. If such a nuisance exists at any place within the jurisdiction of the Department and the owner or occupant of the premises, after notification, refuses or neglects to abate the nuisance within the period specified, the Department shall cause the nuisance to be abated at once by eradicating or controlling pests or plant diseases in a manner to be determined by the Department.

2. The expense thereof must be paid from any money made available to the Department by direct legislative appropriation or otherwise.

[Part 1:56:1917; 1919 RL p. 2628; NCL § 449]—(NRS A 1961, 522; 1993, 1710; [1999, 3641](#); [2003, 534](#))

NRS 555.120 Expenses for abatement of nuisance become lien against property; notice of lien; action to foreclose lien; sales.

1. All sums paid by the Department constitute a lien on the property and premises from which the nuisance has been removed or abated pursuant to [NRS 555.100](#) and [555.110](#), and may be recovered by an action against that property and premises.

2. A notice of lien must be filed and recorded in the office of the county recorder of the county in which the property and premises are situated within 30 days after the right to liens has accrued.

3. An action to foreclose a lien may be commenced at any time within 1 year after the filing and recording of the notice of lien, which action must be brought in the proper court by the district attorney of the county in the name and for the benefit of the Department.

4. If the property is sold, enough of the proceeds must be paid to the Department to satisfy the lien and costs, and the overplus, if any, must be paid to the owner of the property if he is known, and if not, into the Court for his use when ascertained. All sales under the provisions of this section and [NRS 555.100](#) and [555.110](#) must be made in the same manner and upon the same notice as sales of real property under execution from a Justice Court.

[Part 1:56:1917; 1919 RL p. 2628; NCL § 449]—(NRS A 1961, 523; 1993, 1710; [1999, 3641](#))

NRS 555.125 Regulation of host plants in infested areas: Hearing; order; enforcement; penalty.

1. If it appears that an area has or is likely to become infested with a pest which cannot be practically eradicated or controlled except by the means provided in this section, the Department shall hold a public hearing to determine the necessity of declaring a time during which or an area in which plants capable of acting as hosts for the pest may not be planted, grown, cultivated, maintained or allowed to exist.

2. Notice of the hearing must be given to all growers of the host plants within the area and must specify:

(a) The time and place of the hearing.

(b) The host plant.

(c) The pest.

(d) The purpose of the hearing.

3. If, after the hearing, the Department determines that the pest cannot otherwise be practically eradicated or controlled, the Department shall issue an order prescribing a time during which or an area in which the host plants may not be planted, grown, cultivated, maintained or allowed to exist, and requiring owners or occupiers of property upon which the host plants exist to eradicate the plants.

4. If the owner or occupant neglects or refuses to eradicate the plants, the Department may do so in the manner prescribed by [NRS 555.110](#).

5. Any person violating such an order is guilty of a misdemeanor.

(Added to NRS by 1967, 418; A 1993, 1711; [1999, 3641](#))

INSPECTION AND DESTRUCTION OF NOXIOUS WEEDS

NRS 555.130 Designation of noxious weeds. The State Quarantine Officer may declare by regulation the weeds of the state that are noxious weeds, but a weed must not be designated as noxious which is already introduced and established in the State to such an extent as to make its control or eradication impracticable in the judgment of the State Quarantine Officer.

[Part 1:174:1929; NCL § 414]—(NRS A 1997, 479)

NRS 555.140 General powers and duties of State Quarantine Officer; use of funds received for purpose of control or eradication of noxious weeds.

1. The State Quarantine Officer shall carry out and enforce the provisions of [NRS 555.130](#) to [555.220](#), inclusive.

2. To secure information better to carry out the provisions of [NRS 555.130](#) to [555.220](#), inclusive, the State Quarantine Officer may conduct reasonably limited trials of various methods of controlling or eradicating noxious or potentially noxious weeds under practical Nevada conditions.

3. The State Quarantine Officer may provide supervision and technical advice in connection with any project approved by him for the control or eradication of any noxious weed or weeds in this State.

4. All funds appropriated for, or received incident to, the control or eradication of any noxious weeds must be available for carrying out the provisions of [NRS 555.130](#) to [555.220](#), inclusive.

[2:174:1929; A 1941, 377; 1931 NCL § 415]—(NRS A 1961, 523; 1997, 479)

NRS 555.150 Eradication of noxious weeds by owner or occupant of land. Every railroad, canal, ditch or water company, and every person owning, controlling or occupying lands in this State, and every county, incorporated city or district having the supervision and control over streets, alleys, lanes, rights-of-way, or other lands, shall cut, destroy or eradicate all weeds declared and designated as noxious as provided in [NRS 555.130](#), before such weeds propagate and spread, and whenever required by the State Quarantine Officer.

[Part 1:174:1929; NCL § 414]—(NRS A 1961, 524; 1987, 1728; 1997, 480)

NRS 555.160 State Quarantine Officer to investigate noxious weeds; notice to owner or occupant of land where noxious weeds are found.

1. The State Quarantine Officer shall make or cause to be made a careful examination and investigation of the spread, development and growth of noxious weeds in this State. Upon the discovery of those weeds, he shall ascertain the name of the owner or occupant of the

land and the description of the land where the weeds are found. The State Quarantine Officer may serve notice in writing upon the owner or occupant of the land to cut, eradicate or destroy the weeds within such time and in such manner as designated and described in the notice. One such notice shall be deemed sufficient for the entire season of weed growth during that year.

2. Notices may be served upon the owner or occupant by an officer or employee of the Department, and must be served in writing, personally or by certified mail, with receipt given therefor.

[3:174:1929; NCL § 416]—(NRS A 1961, 524; 1993, 1711; 1997, 480; [1999, 3642](#))

NRS 555.170 Neglect of owner or occupant to eradicate weeds after notice; action by county commissioners; payment of costs by county.

1. If any owner or occupant of the lands described in the notice served, as provided in [NRS 555.160](#), shall fail, neglect or refuse to cut, destroy or eradicate the weeds designated, upon the land described, in accordance with the requirements of the notice, the State Quarantine Officer may notify the board of county commissioners of the county or counties in which the land is located of such failure, neglect or refusal.

2. Upon notice as provided in subsection 1, the board of county commissioners concerned shall proceed to have cut, destroyed or eradicated the weeds in question in accordance with the requirements of the notice served upon the owner or occupant of the land in question, paying for such cutting, destruction or eradication out of county funds.

3. Upon the completion of such work of cutting, destruction or eradication of such weeds, the board of county commissioners shall prepare in triplicate itemized statements of all expenses incurred in the cutting, destruction or eradication of the weeds involved, and shall deliver the three copies of the statements to the county treasurer within 10 days of the date of the completion of the work involved.

[4:174:1929; NCL § 417]—(NRS A 1961, 524)

NRS 555.180 County treasurer to mail itemized statement of costs to owner or occupant; objections and hearing; costs constitute lien on land.

1. Upon receipt of the itemized statements of the cost of cutting, destroying or eradication of such weeds, the county treasurer shall forthwith mail one copy to the owner or occupant of the land on which the weeds were cut, destroyed or eradicated, together with a statement that objections may be made to the whole or any part of the statement so filed to the board of county commissioners within 30 days. A hearing may be had upon any objections made.

2. If any objections to any statement are filed with the board of county commissioners, the board shall set a date for a hearing, giving due notice thereof, and upon the hearing fix and determine the actual cost of cutting, destroying or eradicating the weeds and report its findings to the county treasurer.

3. If no objections to the items of the accounts so filed are made within 30 days of the date of mailing the itemized statement, the county treasurer shall enter the amount of such statement upon his tax roll in a column prepared for that purpose; and within 10 days from the date of the action of the board of county commissioners upon objections filed, the county treasurer shall enter the amount found by the board of county commissioners as the actual cost of cutting, destroying or eradicating the weeds in the prepared column upon the tax roll.

4. If current tax notices have been mailed, the costs may be carried over on the rolls to the year following. The costs incurred shall be a lien upon the land from which the weeds were cut, destroyed or eradicated, and shall be collected as provided by law for the collection of other liens.

[5:174:1929; NCL § 418]—(NRS A 1961, 525)

NRS 555.190 Incorporated city to pay county for any expense incurred by county to eradicate noxious weeds within city. Any expense incurred by any county in the cutting, destroying or eradicating of noxious weeds from any street, lane, alley or other property owned or controlled by an incorporated city in that city, in accordance with the provisions of [NRS 555.170](#), must be repaid to the county from the general fund of the incorporated city, upon presentation to the governing body of the incorporated city of an itemized statement of the expense so incurred.

[6:174:1929; NCL § 419]—(NRS A 1987, 1728; 1997, 480)

NRS 555.200 Removal of noxious weeds from public domain; reimbursement by Federal Government.

1. Whenever a noxious weed is found growing upon the public domain or any other lands in this State owned by the Federal Government, the State Quarantine Officer may serve notice, as provided in [NRS 555.160](#), upon the person within the county or this State who is in charge of the activities of the federal agency having control or jurisdiction of the land.

2. If the agency described in the notice fails or refuses to comply with the notice, the State Quarantine Officer may provide for the cutting, destruction or eradication of the weeds in any manner permitted by federal law. The State Quarantine Officer or the political subdivision shall seek reimbursement from the Federal Government for any expense incurred by the State or the political subdivision pursuant to this section.

[7:174:1929; NCL § 420]—(NRS A 1961, 525; 1979, 292; 1997, 480)

NRS 555.201 Penalty. Any person violating any of the provisions of [NRS 555.130](#) to [555.200](#), inclusive, or failing, refusing or neglecting to perform or observe any conditions or regulations prescribed by the State Quarantine Officer, in accordance with the provisions of [NRS 555.130](#) to [555.200](#), inclusive, is guilty of a misdemeanor.

[Part 9:174:1929; NCL § 422]—(NRS A 1969, 518)

WEED CONTROL DISTRICTS

NRS 555.202 Legislative declaration. The Legislature declares that it is primarily the responsibility of each owner or occupier of land in this State to control weeds on his own land, but finds that in certain areas this responsibility can best be discharged through control by organized districts.

(Added to NRS by 1969, 516)

NRS 555.203 Creation of district: Initiation by board of county commissioners or petition; hearing; exclusion of land; addition of power to control and eradicate noxious weeds.

1. The board of county commissioners of any county may, in accordance with [chapter 308](#) of NRS, create one or more weed control districts in that portion of the county which lies outside any incorporated city. Creation of such a district may be initiated by the board of county commissioners or by a petition which:

(a) Designates the area to be included in the weed control district, either as the entire unincorporated area of the county or by sections or parts of sections with appropriate township and range references; and

- (b) Is signed by an owner of land within the proposed weed control district.
 - 2. Lands proposed for inclusion in a weed control district need not be contiguous.
 - 3. Before creating a weed control district, the board of county commissioners shall:
 - (a) Hold at least one public hearing pursuant to [NRS 308.070](#). At this hearing, the board of county commissioners shall entertain applications for the exclusion of lands, designated by sections or parts of sections as prescribed in subsection 1, from the proposed district, if any such application is made. The board of county commissioners shall exclude any such lands as to which it is shown to their satisfaction that any weeds which exist on that land do not render substantially more difficult the control of weeds on other lands in the proposed district.
 - (b) Provide for the hearing of protests against the establishment of the district in the manner set forth in [NRS 318.065](#) and [318.070](#).
 - 4. The board of trustees of a general improvement district may, in accordance with [NRS 318.077](#), add to the basic powers of the district the control and eradication of noxious weeds.
- (Added to NRS by 1969, 516; A 1981, 1641; 1987, 1728; 1997, 481)

NRS 555.205 Board of directors: Number; qualifications; appointment; terms; vacancies.

- 1. The board of county commissioners of any county in which a weed control district has been created shall appoint a board of directors of the district composed of three or five persons who:
 - (a) Are landowners in the district, whether or not they signed the petition for its creation. For the purpose of this paragraph, if any corporation or partnership owns land in the district, a partner or a director, officer or beneficial owner of 10 percent or more of the stock of the corporation shall be deemed a landowner.
 - (b) Fairly represent the agricultural economy of the district.
 - 2. If the district includes lands situated in more than one county, the board of county commissioners shall appoint at least one member of the board of directors from each county in which one-third or more of the lands are situated.
 - 3. The initial appointments to the board of directors shall be for terms of 1, 2 and 3 years respectively. Each subsequent appointment shall be for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term.
 - 4. In addition to other causes provided by law, a vacancy is created on the board if any director:
 - (a) Ceases to be a landowner in the district.
 - (b) Is absent, unless excused, from three meetings of the board.
 - 5. If, as a result of a change in the boundaries of the district, a county becomes entitled to a new member of the board of directors pursuant to subsection 2, the board of county commissioners shall make the new appointment upon the first expiration of the term of a current member thereafter.
- (Added to NRS by 1969, 517; A 1981, 1642; [2005, 935](#))

NRS 555.207 Board of directors: Powers. The board of directors of a weed control district may:

- 1. With the approval of the State Quarantine Officer, appoint a weed control officer.
 - 2. Receive and expend any moneys provided by assessment, voluntary contribution or otherwise for the control of weeds in the district.
 - 3. Exercise any other power necessary or proper to effectuate the purposes for which the district exists.
 - 4. Elect a chairman from among its members, and secretary who may or may not be a member.
- (Added to NRS by 1969, 517)

NRS 555.208 Review of action of board of county commissioners or board of directors by State Board of Agriculture; notice and hearing; judicial review.

- 1. The board of directors of a weed control district or the board of county commissioners of any county having lands situated in a weed control district or proposed for inclusion in such a district may request that the State Board of Agriculture review any action taken by the board of county commissioners of a county, or the board of directors of the district, in connection with the creation of the district or a change in the boundaries of the district.
 - 2. Upon receiving such a request the State Board of Agriculture shall, after notice and opportunity for a hearing, affirm or reverse the action. The decision of the State Board of Agriculture is a final decision for purposes of judicial review.
 - 3. This section does not limit the right of any landowner to seek judicial review of actions taken by a board of directors or a board of county commissioners in connection with the creation of a district or a change in the boundaries of a district.
- (Added to NRS by 1981, 1641)

NRS 555.209 Regulations.

- 1. The board of directors shall prepare regulations for the weed control district, which shall include but are not limited to:
 - (a) The species of weeds to be controlled in the district.
 - (b) The means of direct control by spray, cultivation or otherwise.
 - (c) The means of indirect control, including the movement from, to and within the district of agricultural machinery, agricultural products, livestock and other vectors capable of spreading the weeds designated for control.
 - 2. One copy of the proposed regulations must be delivered to the State Quarantine Officer, and at least two copies made available for public inspection in the office of the district secretary or the county clerk, as the board may by resolution prescribe.
 - 3. The State Quarantine Officer shall then hold a public hearing in the county in which is located the larger or largest proportion of the area of the district, to consider the proposed regulations, of which he shall give notice by publication, in a newspaper of general circulation in each county having lands situated in the district, of at least one notice published not less than 10 days before the hearing. At this hearing, the State Quarantine Officer shall entertain written suggestions for the modification of the regulations.
 - 4. After the hearing, and any additional time which the State Quarantine Officer may allow for the submission of additional facts or proposals, he shall approve, modify or disapprove the proposed regulations. If the board of directors of the district does not concur in the action of the State Quarantine Officer, the State Board of Agriculture shall establish the regulations.
- (Added to NRS by 1969, 517; A 1981, 1643)

NRS 555.210 Performance of necessary work by weed control officer on failure by landowner; charges as lien. If any landowner fails to carry out a plan of weed control for his land in compliance with the regulations of the district, the weed control officer may enter upon the land affected, perform any work necessary to carry out the plan, and charge such work against the landowner. Any such charge, until paid, is a lien against the land affected coequal with a lien for unpaid general taxes, and may be enforced in the same manner.

[2.5:174:1929; added 1949, 560; 1943 NCL § 415.01]—(NRS A 1969, 518)

NRS 555.215 Assessments of real property in district; medium-term obligations.

1. Upon the preparation and approval of a budget in the manner required by the Local Government Budget and Finance Act, the board of county commissioners of each county having lands situated in the district shall, by resolution, levy an assessment upon all real property in the county which is in the weed control district.
2. Every assessment so levied is a lien against the property assessed.
3. Amounts collected in counties other than the county having the larger or largest proportion of the area of the district must be paid over to the board of county commissioners of that county for the use of the district.
4. The county commissioners of that county may obtain medium-term obligations pursuant to [NRS 350.087](#) to [350.095](#), inclusive, of an amount of money not to exceed the total amount of the assessment, to pay the expenses of controlling the weeds in the weed control district. The loans may be made only after the assessments are levied.
(Added to NRS by 1959, 391; A 1969, 518; 1981, 1643; 1995, 1829; [1999, 278](#); [2001, 1827](#), [2336](#); [2003, 162](#))

NRS 555.217 Change of boundaries: Petition; notice and hearing; resolution; ratification by board of county commissioners.

1. The boundaries of a weed control district may be changed in the manner prescribed in this section or in subsection 3 of [NRS 308.080](#), but the change of boundaries of the district does not:
 - (a) Impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever.
 - (b) Affect or impair or discharge any contract, obligation, lien or charge for or upon which it or the owners of property in the district might be liable or chargeable had the change of boundaries not been made.
2. The owners of lands may file with the board of directors a petition in writing praying that those lands be included in or excluded from the district. The petition must describe the tracts or body of land owned by the petitioners, and the petition shall be deemed to give the consent of the petitioners to the inclusion in or the exclusion from the district of the lands described in the petition. The petition must be acknowledged in the same manner that conveyances of land are required to be acknowledged.
3. The board of directors of the district may, on its own motion or upon petition of any person other than the owner, initiate proceedings for the inclusion of land in the district. A petition filed with the board of directors for this purpose must be in writing and must describe the tracts or body of land proposed to be included, allege that the lands described contain certain weeds that are harmful to owners of land in the district and request that the lands be included in the district.
4. Areas proposed for inclusion in a weed control district need not be located in the same county as other portions of the district and need not be contiguous to other portions of the district.
5. The secretary of the board shall give notice of filing of the petition, or initiation of proceedings by the board, to the owner or owners of the lands described in the petition or motion of the board and shall cause notice to be published in a newspaper of general circulation in the county in which the lands described are situated. The notices must require all persons interested to appear at the office of the board at the time specified in the notice and show cause in writing why the request should not be granted.
6. The board shall at the time specified in the notice, or at the time or times to which the hearing may be adjourned, proceed to hear the request and all written objections presented to show cause why the request should not be granted. The failure of any person interested to show cause in writing must be considered an approval by that person of the inclusion in or the exclusion from the district of the lands as requested.
7. Upon conclusion of the hearing the board by resolution shall approve the request, subject to ratification by the board of county commissioners of the county in which the lands are situated if the request is for the inclusion of lands, or deny the request. In the case of proceedings initiated pursuant to subsection 3, the board may approve the inclusion in the district of the described lands only if it determines that the lands contain weeds that are harmful to owners of land in the district. The board may defer adoption of the resolution to a special meeting or its first regular meeting after conclusion of the hearing, whichever is sooner.
8. A copy of the resolution, adopted pursuant to subsection 7, must be filed with the board of county commissioners of each county in which all or a part of the district is located.
9. No action of the board of directors approving the inclusion of lands within the district becomes effective unless it is ratified by the board of county commissioners of the county in which the lands are situated. The board of county commissioners may ratify the action at any time after the filing of the resolution, but if the board has neither ratified the action nor denied ratification within 90 days after the date the resolution was filed pursuant to subsection 8, the action of the board of directors shall be deemed ratified.
(Added to NRS by 1973, 1076; A 1981, 1643; 1997, 482)

NRS 555.220 Penalty. Any person violating any of the provisions of [NRS 555.202](#) to [555.210](#), inclusive, or failing, refusing or neglecting to perform or observe any conditions or regulations prescribed by the State Quarantine Officer, in accordance with the provisions of [NRS 555.202](#) to [555.210](#), inclusive, is guilty of a misdemeanor.
(Part 9:174:1929; NCL § 422)—(NRS A 1969, 518)

REGULATION OF NURSERIES AND NURSERY STOCK

NRS 555.235 Definitions. As used in [NRS 555.235](#) to [555.249](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 555.23515](#) to [555.2358](#), inclusive, have the meanings ascribed to them in those sections.
(Added to NRS by 1959, 563; A 1961, 526; 1973, 284; 1975, 556; 1985, 525; 1993, 1711; [1999, 708](#), [3642](#), [3740](#); [2003, 534](#))

NRS 555.23515 “Broker” defined. “Broker” means any person who acts as an agent for another person in negotiating the purchase or sale of nursery stock but who does not handle either the nursery stock which is involved in the purchase or sale, or the proceeds of the sale, if applicable.
(Added to NRS by [2003, 532](#))

NRS 555.23523 “Dangerously injurious plant pest” defined. “Dangerously injurious plant pest” means a plant pest that constitutes a significant threat to the public or to the agricultural, forestry or horticultural industry of this State.
(Added to NRS by [2003, 532](#))

NRS 555.23525 “Dealer of nursery stock” defined. “Dealer of nursery stock” means a person who produces, holds, distributes, collects or sells nursery stock, including, without limitation, a retail business, wholesale grower, landscape contractor, landscape maintenance business, broker and peddler.
(Added to NRS by [2003, 532](#))

NRS 555.23537 “Hold” defined. “Hold” means to have and maintain possession of nursery stock at a temporary or permanent

location.

(Added to NRS by [2003, 532](#))

NRS 555.2354 “Infested” defined. “Infested” means contaminated with a pest or so exposed to a pest that contamination can reasonably be expected to exist.

(Added to NRS by [2003, 532](#))

NRS 555.23542 “Inspecting officer” defined. “Inspecting officer” means a person authorized by the Department to inspect nursery stock.

(Added to NRS by [2003, 532](#))

NRS 555.23544 “Inspection certificate” defined. “Inspection certificate” means a document which is issued by an inspecting officer or an appropriate state officer who is authorized to inspect nursery stock and which affirms, declares or verifies that the nursery stock, or the nursery or premises from which the nursery stock originated, has been inspected and found to be free from plant pests and symptoms of diseases.

(Added to NRS by [2003, 532](#))

NRS 555.2355 “License” defined. “License” means a license issued pursuant to [NRS 555.235](#) to [555.249](#), inclusive, to a licensee to conduct business as a dealer of nursery stock.

(Added to NRS by [2003, 533](#))

NRS 555.23551 “Licensee” defined. “Licensee” means a person licensed under the provisions of [NRS 555.235](#) to [555.249](#), inclusive.

(Added to NRS by [2003, 533](#))

NRS 555.2356 “Nursery” defined. “Nursery” means any location:

1. Where nursery stock is grown, propagated, held, stored or sold; or
2. From which nursery stock is distributed directly to a customer.

(Added to NRS by [2003, 533](#))

NRS 555.23562 “Nursery stock” defined. “Nursery stock” means a plant for planting, propagation or ornamentation, and includes, without limitation, parts of plants, trees, shrubs, vines, vegetables, bulbs, stolons, tubers, corms, pips, rhizomes, scions, buds and grafts.

(Added to NRS by [2003, 533](#))

NRS 555.2357 “Peddler” defined. “Peddler” means any person who sells, solicits or offers for sale nursery stock to a customer but who does not have a nursery located in this State. The term does not include nurserymen licensed by another state who wholesale nursery stock to retail nurserymen located in this State or nurserymen who sell nursery stock directly to the public by catalog.

(Added to NRS by [2003, 533](#))

NRS 555.23572 “Pest” defined. “Pest” means any form of animal or vegetable life detrimental to the crops, horticulture, livestock, public health, wildlife, quality of water and beneficial uses of land in this State, including, without limitation, any insect, snail, nematode, fungus, virus, bacterium, microorganism, mycoplasmal organism, weed, parasitic plant or any other plant that is normally considered to be a pest of cultivated plants, uncultivated plants, agricultural commodities, horticultural products or nursery stock, or that the Director declares to be a pest.

(Added to NRS by [2003, 533](#))

NRS 555.23575 “Phytosanitary certificate” defined. “Phytosanitary certificate” means a certificate from an authorized state plant regulatory officer that certifies, affirms, declares or verifies that an article, nursery stock, plant product, shipment or other officially regulated item meets federal or state quarantine requirements, as appropriate, including, without limitation, that the item is free of dangerously injurious pests or quarantine pests, or that the item has been treated in the manner set forth in the rules and regulations prescribed by the applicable quarantine. The term includes a federal phytosanitary certificate, a state phytosanitary certificate and a certificate of quarantine compliance.

(Added to NRS by [2003, 533](#))

NRS 555.23577 “Quarantine pest” defined. “Quarantine pest” means a pest listed by the State Quarantine Officer in a quarantine issued pursuant to [chapter 554](#) of NRS.

(Added to NRS by [2003, 533](#))

NRS 555.2358 “Sell” defined. “Sell” means exchange, offer for sale, expose for sale, have in possession for sale, arrange the sale of, solicit for sale, display or advertise for sale, consign, accept on consignment, or broker the purchase or sale.

(Added to NRS by [2003, 533](#))

NRS 555.236 License required to produce, hold, distribute, collect or sell nursery stock; exceptions; waivers.

1. Except as otherwise provided in this section, a person who engages in the commercial production, holding, distribution, collection or selling of nursery stock must obtain a license from the Director, except:

- (a) Retail florists or other persons who sell potted, ornamental plants intended for indoor decorative purposes.
- (b) A person not engaged in the nursery or landscaping business who raises nursery stock as a hobby in this State from which he makes occasional sales, if the person does not advertise or solicit for the sale of that nursery stock.
- (c) Persons engaged in agriculture and field-growing vegetable plants intended for use in agricultural production.
- (d) At the discretion of the Director, persons selling vegetable bulbs or flower bulbs, including, without limitation, onion sets, tulip bulbs and similar bulbs.
- (e) A business licensed by another state that sells nursery stock only to:
 - (1) A licensed dealer of nursery stock in this State; or
 - (2) The public exclusively by catalog.
- (f) A garden club or charitable nonprofit association conducting sales of nursery stock, provided that the garden club or nonprofit

association has applied for and received a permit from the Director to conduct such sales. The Department shall not charge a fee for such a permit.

(g) A state or local governmental entity, including a conservation district. The Department may inspect any plant materials held, distributed, collected or sold by such an entity.

2. The Director may waive the requirements relating to licensing set forth in [NRS 555.235](#) to [555.249](#), inclusive, for a person otherwise required to obtain a license pursuant to this section if the person only has occasional sales of nursery stock to the ultimate customer. To obtain a waiver pursuant to this subsection, the person must:

(a) Submit to the Department a completed application for a license to engage in the business of a dealer of nursery stock that includes sufficient information to demonstrate that the person qualifies for a waiver pursuant to this subsection; and

(b) Submit to the Director a notarized affidavit on a form provided by the Department attesting that all information furnished in the completed application is true.

➤ A completed application submitted to the Department pursuant to this section need not be accompanied by the fee required by [NRS 555.238](#). A waiver issued pursuant to this subsection may be revoked at any time and must be renewed annually.

3. Persons, state agencies or political subdivisions exempt from the licensing requirements:

(a) Shall conduct their businesses in accordance with pest regulations and grades and standards for nursery stock as established by the Director.

(b) Shall register annually, on or before July 1, with the Department, the location, size and type of nursery stock being sold or produced.

4. As used in this section, "occasional sales" means sales of nursery stock in a gross annual amount that is less than \$1,000.

(Added to NRS by 1959, 564; A 1961, 527; 1973, 283; 1993, 1712; [1999, 709](#), [3643](#), [3742](#); [2003, 534](#))

NRS 555.237 Application for license; transfer of license prohibited; display of license.

1. Any person applying for a license must do so on the application form and in the manner prescribed by the Director.

2. Except as otherwise provided in [NRS 555.236](#), an application for a license must be accompanied by the fee established pursuant to [NRS 555.238](#) and by evidence of the good faith and character of the applicant.

3. A license is not transferable. If a licensee changes its business name or the ownership of the licensee changes, the licensee must obtain a new license. A licensee shall not engage in the business of a dealer of nursery stock until a new license is issued.

4. A licensee shall prominently display his license at his business location.

(Added to NRS by 1959, 564; A 1961, 527; 1993, 1713; [1999, 3643](#); [2003, 536](#))

NRS 555.238 Schedule of annual fees for licenses. The State Board of Agriculture may establish by regulation a schedule of annual fees for licenses.

(Added to NRS by 1959, 564; A 1961, 527; 1983, 1101; [1999, 710](#), [3598](#); [2003, 536](#))

NRS 555.239 Renewal of license; fee.

1. Except as otherwise provided in this section and [NRS 555.237](#), a license expires on June 30 of each year. A licensee must apply for the renewal of his nursery license annually on or before July 1. It is unlawful to conduct business without a current license.

2. The fee for the renewal of a license is ascertained in accordance with the schedule of fees established pursuant to [NRS 555.238](#).

3. Any license may be renewed after July 1 upon payment of a penalty fee established by regulation of the State Board of Agriculture. Such a penalty fee must not exceed \$200.

(Added to NRS by 1959, 565; A 1983, 1101; [2003, 536](#))

NRS 555.241 Revocation or suspension of or refusal to issue or renew license; notice and hearing. The Director may refuse to issue or renew, or may suspend or revoke, a license for violation of any provision of [NRS 555.235](#) to [555.249](#), inclusive, or any rule or regulation adopted under [NRS 555.243](#), but no license may be refused, suspended or revoked pursuant to this section until the applicant or licensee has been given the opportunity to appear at a hearing. Offenders must be given 15 days' notice in writing. The notice must indicate the offense and the place of hearing.

(Added to NRS by 1959, 565; A 1961, 527; 1993, 1713; [1999, 3644](#); [2003, 537](#))

NRS 555.242 Terminal inspection of nursery stock. The Director may order any nursery stock to be held for terminal inspection.

(Added to NRS by 1959, 565; A 1961, 528; 1993, 1713; [1999, 3644](#))

NRS 555.243 Regulations; standards. The Director may adopt such regulations as he may deem necessary to:

1. Carry out the intent of [NRS 555.235](#) to [555.249](#), inclusive.

2. Establish sanitary standards relating to pest conditions of nurseries.

3. Establish mandatory and permissive grades for nursery stock. When mandatory grades are established for nursery stock, all nursery stock sold or offered for sale must be graded and labeled in accordance with those standards.

4. Establish standards relating to conditions that interfere with the proper development of nursery stock after planting.

(Added to NRS by 1959, 565; A 1961, 528; 1981, 89; 1993, 1713; [1999, 3644](#))

NRS 555.244 Inspection of businesses, invoices and applicable certificates.

1. The Director or any inspecting officer may enter any business during regular business hours to ascertain compliance with [NRS 555.235](#) to [555.249](#), inclusive, and any regulations adopted pursuant thereto.

2. Invoices and applicable inspection certificates, quarantine certificates and phytosanitary certificates must be made available to the Director or inspecting officer upon request.

(Added to NRS by 1959, 565; A 1961, 528; 1993, 1713; [1999, 3644](#); [2003, 537](#))

NRS 555.245 Certification of pest conditions or quality of nursery stock for shipment; fees.

1. Any person may request the Director to certify to pest conditions, quality, viability or grade of nursery stock intended for shipment to comply with the requirements for plant pests established by any state, territory or foreign country or by contract.

2. The Director may establish a schedule of reasonable fees for those requests for certification.

(Added to NRS by 1959, 565; A 1961, 528; 1973, 285; 1993, 1714; [1999, 3644](#))

NRS 555.246 Certificates required for shipments of nursery stock; carrier prohibited from delivering nursery stock without appropriate certificate; exemption.

1. Except as otherwise provided in this section, nursery stock that is shipped from other states to points within this State and all nursery stock shipped intrastate must be accompanied by an inspection certificate which:

- (a) Is dated within a reasonable time before shipment;
- (b) Is issued by an authorized state plant regulatory officer; and
- (c) Affirms, declares or verifies that the nursery stock, nursery or premises from which the nursery stock originated has been inspected and found free of dangerously injurious plant pests, pests and disease symptoms.

2. Except as otherwise provided in this section, nursery stock that is shipped from other states to points within this State, and nursery stock that is shipped intrastate, for which a quarantine has been issued pursuant to [chapter 554](#) of NRS or to which a federal quarantine applies, must be accompanied by a phytosanitary certificate.

3. Except as otherwise provided in this section, a corporation, company or natural person engaged in the transportation of freight or express shall not make delivery of any nursery stock in this State without the inspection certificate or phytosanitary certificate, as appropriate, required by subsections 1 and 2.

4. A shipment of nursery stock which is in the possession of an in-state dealer of nursery stock licensed with the Department and which is being delivered to an in-state customer need not be accompanied by the inspection certificate or phytosanitary certificate, as appropriate, required by subsections 1 and 2, except that the dealer of nursery stock must provide such documents to the Department upon request.

(Added to NRS by 1959, 566; A 1961, 528; [1999, 710](#); [2003, 537](#))

NRS 555.247 Labeling of containers of nursery stock; bulk shipments.

1. All nursery stock shipped from other states to points within this State and all nursery stock shipped intrastate must bear a label on or attached to:

(a) The outside of the container in which the nursery stock was packed for shipment that indicates the name and address of the consignee and consignor and contains a statement describing plainly and legibly the correct botanical or commonly accepted name, or both, for each kind of nursery stock in the container.

(b) Each individual piece of one kind and variety of nursery stock or subcontainer or lot containing one kind and variety of nursery stock in each container, that contains a legible statement of the correct botanical or commonly accepted name, or both, of the nursery stock.

2. Except as otherwise provided in subsection 4 of [NRS 555.246](#), bulk shipments of nursery stock not packed in containers must:

(a) Be accompanied by the appropriate certificate required pursuant to [NRS 555.246](#).

(b) Be accompanied by a manifest which must:

(1) State the name and address of the consignor and consignee; and

(2) List and describe plainly and legibly the correct botanical or commonly accepted name, or both, for each kind of nursery stock in the bulk shipment.

(c) Be labeled in accordance with the requirements of subsection 1.

(Added to NRS by 1959, 566; A [1999, 711](#); [2003, 538](#))

NRS 555.248 Infected or infested nursery stock: Shipment from State; destruction; treatment. Any nursery stock brought into this State which the Director or inspecting officer finds or has reasonable cause to believe to be infested or infected with any pest must be destroyed immediately, at the expense of the owner or bailee, under the supervision of the Director or the inspecting officer, unless:

1. The nature of the pest is such that no detriment can be caused to the public, the nursery, agricultural, forestry or horticultural industry in this State or the general environmental quality of this State by shipping the nursery stock out of this State. In that case, the Director or inspecting officer:

(a) May affix a warning tag or notice to the nursery stock.

(b) Shall notify the owner or bailee to ship the nursery stock out of this State within 48 hours.

(c) Shall keep the nursery stock under his control at the expense of the owner or bailee.

(d) Shall destroy the nursery stock at the expiration of 48 hours if the owner or bailee has not shipped the nursery stock out of this State.

2. The Director determines that the pest can be exterminated by a treatment prescribed by the Director with the result that no detriment will be caused to the public, the nursery, agricultural, forestry or horticultural industry in this State or the general environmental quality of this State. In that case, nursery stock will be released if the nursery stock is:

(a) Treated in the manner prescribed by the Director;

(b) Treated within the time specified by the Director or inspecting officer;

(c) Treated under the supervision of the inspecting officer; and

(d) Found to be free from pests.

(Added to NRS by 1959, 566; A 1961, 529; 1993, 1714; [1999, 712](#), [3644](#), [3742](#))

NRS 555.2485 Enforcement by Director: Administrative fine; order to correct violation; request for action by district attorney; regulations.

1. The Director shall adopt regulations specifying a schedule of administrative fines which may be imposed, upon notice and a hearing, for each violation of the provisions of [NRS 555.235](#) to [555.249](#), inclusive, or the regulations adopted pursuant thereto. The maximum fine that the Director may impose for each violation may not exceed:

(a) For the first violation, \$250;

(b) For the second violation, \$500; and

(c) For each subsequent violation, \$1,000.

➔ All fines collected by the Director pursuant to this section must be deposited with the State Treasurer for credit to the State General Fund.

2. The Director may:

(a) In addition to imposing an administrative fine pursuant to this section, issue an order requiring a violator to take appropriate action to correct the violation. The violator shall pay the cost of any appropriate action so ordered.

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person who the Director suspects may have committed flagrant or repeated violations of any provision of [NRS 555.235](#) to [555.249](#), inclusive.

(Added to NRS by 1997, 82; A [1999, 3645](#); [2003, 538](#))

NRS 555.249 Penalties. Any person violating the provisions of [NRS 555.235](#) to [555.249](#), inclusive, or the regulations adopted pursuant thereto is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months, or by a

fine of not more than \$1,000, or by both fine and imprisonment. The prosecuting attorney and the Department may recover the costs of the proceeding, including investigative costs and attorney's fees, against a person convicted of a misdemeanor pursuant to this section.

(Added to NRS by 1959, 567; A 1997, 83; [1999, 3645](#); [2003, 539](#))

CUSTOM APPLICATION OF PESTICIDES

NRS 555.2605 Definitions. As used in [NRS 555.2605](#) to [555.460](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 555.261](#) to [555.2695](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1971, 1252; A 1975, 595; 1997, 2092; [1999, 520, 542](#); [2003, 539](#))

NRS 555.261 "Agent" defined. "Agent" means any person who solicits business in behalf of a custom pest control licensee.

(Added to NRS by 1971, 1252; A 1975, 358)

NRS 555.2615 "Aircraft" defined. "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of, or flight in, the air.

(Added to NRS by 1971, 1252)

NRS 555.2617 "Certificate" defined. "Certificate" means a certificate of competency issued by the Director to a commercial applicator or private applicator authorizing that person to make application of or to supervise the application of a restricted-use pesticide.

(Added to NRS by 1975, 593; A 1993, 1714; [1999, 3645](#))

NRS 555.2618 "Certified applicator" defined. "Certified applicator" means any person who is certified by the Director as qualified to use or to supervise the use of any restricted-use pesticide.

(Added to NRS by 1975, 593; A 1977, 311; 1993, 1714; [1999, 3646](#))

NRS 555.2619 "Commercial applicator" defined. "Commercial applicator" means a certified applicator who applies or supervises the application of any restricted-use pesticide and does not qualify as a private applicator under [NRS 555.2681](#).

(Added to NRS by 1975, 593)

NRS 555.2625 "Defoliant" defined. "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(Added to NRS by 1971, 1252)

NRS 555.263 "Desiccant" defined. "Desiccant" means any substance or mixture of substances intended to accelerate the drying of plant tissues artificially.

(Added to NRS by 1971, 1252)

NRS 555.2634 "Environment" defined. "Environment" includes the water, air, land and all plants and man and other animals living therein and the interrelationships which exist among these.

(Added to NRS by 1975, 593)

NRS 555.264 "Fungi" defined. "Fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts and bacteria, except those on or in living man or other animals.

(Added to NRS by 1971, 1252)

NRS 555.2645 "Ground equipment" defined. "Ground equipment" means any machine or device (other than aircraft) for use on land or water, designed for, or adaptable to, use in applying pesticides as sprays, dusts, aerosols or fogs, or in other forms.

(Added to NRS by 1971, 1252)

NRS 555.265 "Insect" defined. "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example beetles, bugs, wasps and flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example spiders, mites, ticks, centipedes and wood lice.

(Added to NRS by 1971, 1252)

NRS 555.2655 "Nematode" defined. "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants or plant parts, also called nemas or eelworms.

(Added to NRS by 1971, 1252)

NRS 555.266 "Person" defined. "Person" includes a government, a governmental agency and a political subdivision of a government.

(Added to NRS by 1971, 1253; A 1985, 526)

NRS 555.2665 "Pest" defined. "Pest" includes, but is not limited to, any insect, fungus, rodent, nematode, snail, slug and weed and any form of plant or animal life or virus, except any virus on or in a living human or other animal, which is normally considered to be a pest or which the Director declares to be a pest.

(Added to NRS by 1971, 1253; A 1993, 1714; [1999, 3646](#))

NRS 555.2667 "Pest control" defined. "Pest control" means the business of engaging in, advertising or soliciting for:

1. The use for hire of pesticides or mechanical devices for the extermination, control or prevention of infestations of pests.
2. The inspection for hire of households or other structures and the submission of reports of inspection, estimates or bids, written or oral, for the inspection, extermination, control or prevention of wood-destroying pests.

(Added to NRS by 1973, 1506; A 1981, 610)

NRS 555.267 “Pesticide” defined. “Pesticide” means:

1. Any substance or mixture of substances, including any living organisms or any product derived therefrom or any fungicide, herbicide, insecticide, nematocide or rodenticide, intended to prevent, destroy, control, repel, attract or mitigate any insect, rodent, nematode, snail, slug, fungus and weed and any other form of plant or animal life or virus, except virus on or in a living human or other animal, which is normally considered to be a pest or which the Director declares to be a pest.

2. Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and any other substances intended for that use as are named by the Director by regulation.

(Added to NRS by 1971, 1253; A 1981, 610; 1993, 1715; [1999, 3646](#))

NRS 555.2675 “Plant regulator” defined. “Plant regulator” means any substance or mixture of substances intended through physiological action to accelerate or retard the rate of growth or maturation, or otherwise to alter the behavior of plants, but does not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants or soil amendments.

(Added to NRS by 1971, 1253)

NRS 555.2681 “Private applicator” defined. “Private applicator” means a certified applicator who uses or supervises the use of any restricted-use pesticide for purposes of producing any agricultural commodity on property owned or rented by him or his employer or on the property of his neighbors if applied without compensation other than trading of personal services between producers of agricultural commodities.

(Added to NRS by 1975, 593)

NRS 555.2683 “Restricted-use pesticide” defined. “Restricted-use pesticide” means any pesticide, including any highly toxic pesticide, which:

1. The Director has found and determined, after a hearing, to be:

(a) Injurious to persons, pollinating insects, bees, animals, crops or land, other than pests or vegetation it is intended to prevent, destroy, control or mitigate; or

(b) Detrimental to:

(1) Vegetation, except weeds;

(2) Wildlife; or

(3) Public health and safety; or

2. Has been classified for restricted use by or under the supervision of a certified applicator in accordance with the Federal Environmental Pesticide Control Act, 7 U.S.C. §§ 136 et seq.

(Added to NRS by 1975, 593; A 1993, 1715; [1999, 3646](#))

NRS 555.2685 “Snails or slugs” defined. “Snails or slugs” include all harmful mollusks.

(Added to NRS by 1971, 1253)

NRS 555.2687 “Supervision” defined. “Supervision” of the application of a restricted-use pesticide by a certified applicator must be defined by regulation of the Director.

(Added to NRS by 1975, 593; A 1993, 1715; [1999, 3646](#))

NRS 555.269 “Weed” defined. “Weed” means any plant or part thereof which grows where not wanted.

(Added to NRS by 1971, 1253)

NRS 555.2695 “Wildlife” defined. “Wildlife” means all living things that are neither human, domesticated, nor, as defined in [NRS 555.2665](#), pests, including but not limited to mammals, birds and aquatic life.

(Added to NRS by 1971, 1253)

NRS 555.270 Policy of this State; purpose of provisions. It is the policy of this State and the purpose of [NRS 555.2605](#) to [555.460](#), inclusive, to regulate, in the public interest, the application of pesticides which, although valuable for the control of pests, may seriously injure man, animals and crops over wide areas if not properly applied.

[1:215:1955]—(NRS A 1959, 243; 1967, 368; 1971, 1254; 1973, 285; 1975, 595; [2003, 539](#))

NRS 555.273 Provisions concerning restricted-use pesticides applicable to governmental agencies and public utilities. All state agencies, municipal corporations and public utilities or any other governmental agency shall be subject to the provisions of [NRS 555.2605](#) to [555.460](#), inclusive, and rules adopted thereunder concerning the application of restricted-use pesticides by any person.

(Added to NRS by 1971, 1253; A 1975, 595)

NRS 555.277 Exemption of farmer-owners and gardeners.

1. The provisions of [NRS 555.2605](#) to [555.460](#), inclusive, relating to licenses and requirements for their issuance, except a certificate or permit to use a restricted-use pesticide, do not apply to any farmer-owner of ground equipment applying pesticides for himself or his neighbors, if:

(a) He operates farm property and operates and maintains equipment for applying pesticides primarily for his own use.

(b) He is not regularly engaged in the business of applying pesticides for hire as a principal or regular occupation, and he does not publicly hold himself out as a pesticide applicator.

(c) He operates his equipment for applying pesticides only in the vicinity of his own property and for the accommodation of his neighbors for agricultural purposes only.

2. The provisions of [NRS 555.2605](#) to [555.460](#), inclusive, except those provisions relating to a certificate or permit to use a restricted-use pesticide, do not apply to any person using hand-powered equipment, devices or contrivances to apply pesticides to lawns or to ornamental shrubs and trees as an incidental part of his business of taking care of lawns and yards for remuneration, if that person does not publicly hold himself out as being in the business of applying pesticides and the cost of applying the pesticides does not exceed 20 percent of the total remuneration received.

(Added to NRS by 1971, 1253; A 1981, 611; 1983, 230; [2003, 539](#))

NRS 555.280 License required to engage in pest control. A person shall not engage in pest control or serve as an agent, operator or

pilot for that purpose within this State at any time without a license issued by the Director.

[Part 3:215:1955]—(NRS A 1959, 243; 1961, 530; 1965, 65; 1967, 368; 1971, 1254; 1973, 1505; 1981, 611; 1985, 346; 1993, 1715; [1999, 3646](#))

NRS 555.285 License required to engage in activities concerning control of wood-destroying pests or organisms. A person shall not for hire engage in, offer to engage in, advertise or solicit to perform any of the following pest control activities concerning wood-destroying pests or organisms without a license issued by the Director:

1. Making an inspection to identify or to attempt to identify infestations or infections of households or other structures by those pests or organisms.
2. Making inspection reports concerning the infestations or infections.
3. Making estimates or bids, whether written or oral, concerning the infestations or infections.
4. Submitting bids to perform any work involving the application of pesticides for the elimination, extermination, control or prevention of infestations or infections of those pests.

(Added to NRS by 1973, 1506; A 1985, 346; 1993, 1715; [1999, 3647](#))

NRS 555.290 Application for license. [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. An application for a license must be submitted to the Director and must set forth such information regarding the applicant's qualifications and proposed operations and other relevant matters as required pursuant to regulations adopted by the Director. If the applicant is a natural person, the application must include the social security number of the applicant.

2. If an applicant fails to complete the licensing requirements within 30 days after the date on which he submits his application, he forfeits all fees he has tendered. Thereafter he may reinitiate the application process upon payment of the appropriate fees.

[Part 3:215:1955]—(NRS A 1961, 530; 1973, 285; 1993, 1716; 1997, 2092; [1999, 3647](#))

NRS 555.290 Application for license. [Effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. Application for a license must be made to the Director and must set forth such information regarding the applicant's qualifications and proposed operations and other relevant matters as required pursuant to regulations adopted by the Director.

2. If an applicant fails to complete the licensing requirements within 30 days after the date on which he submits his application, he forfeits all fees he has tendered. Thereafter he may reinitiate the application process upon payment of the appropriate fees.

[Part 3:215:1955]—(NRS A 1961, 530; 1973, 285; 1993, 1716; 1997, 2092; [1999, 3647](#), effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)

NRS 555.300 Examination and qualifications of applicant.

1. The Director may require the applicant to show, upon examination, that he possesses adequate knowledge concerning the proper use and application of pesticides and the dangers involved and precautions to be taken in connection with their application.

2. If the applicant is not a natural person, the applicant shall designate an officer, member or technician of the organization to take the examination. The person so designated is subject to the approval of the director. If the extent of the applicant's operations require it, the Director may require more than one officer, member or technician to take the examination.

3. The applicant or the person designated by the applicant in accordance with the provisions of subsection 2 must have attained the age of majority and have:

(a) Not less than 2 years' practical experience in pest control; or

(b) Possess university credits of not less than 16 credit hours in biological sciences of which not less than 8 credit hours must be in subjects directly related to the categories of pest control in which the applicant wishes to be licensed and have 6 or more months of practical experience in pesticide application or related pest control.

4. The requirements of subsection 3 do not apply to persons holding a license issued by the Director before July 1, 1973, or to the renewal of the license of any such person.

[Part 3:215:1955]—(NRS A 1959, 243; 1961, 530; 1967, 368; 1971, 1254; 1973, 1505; 1993, 1716; [1999, 3647](#))

NRS 555.310 Fees established by regulation.

1. The Director shall collect from each person applying for the examination or reexamination a testing fee established by regulation of the State Board of Agriculture.

2. Upon the successful completion of the testing, the Director shall, before the license is issued, collect from each person applying for a license for pest control an annual fee established by regulation of the State Board of Agriculture. Any company or person employing operators, pilots or agents shall pay to the Director a fee established by regulation of the Board for each operator, pilot or agent licensed.

[Part 3:215:1955]—(NRS A 1961, 530; 1965, 65; 1973, 286; 1981, 611; 1983, 1101; 1993, 1716; [1999, 3599, 3648](#))

NRS 555.320 Issuance, expiration and renewal of license. [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Director finds the applicant qualified, and upon the applicant's appointing the Director agent for service of process and finding that the applicant has satisfied the requirements of [NRS 555.325](#) and [555.330](#), the Director shall issue a license to perform pest control within this State.

2. The license period is the calendar year. All licenses expire on December 31 of each year. The license may be renewed annually upon application to the Director and payment of the license fee on or before December 31 of each year. If the holder of the license is a natural person, he must submit with his application for renewal the statement required pursuant to [NRS 555.325](#).

3. The license may restrict the licensee to the use of a certain type or types of equipment or materials if the Director finds that the applicant is qualified to use only a certain type or types.

4. If a license is not issued as applied for, the Director shall inform the applicant in writing of the reasons therefor.

[Part 3:215:1955]—(NRS A 1957, 753; 1959, 243; 1961, 531; 1967, 368; 1971, 1254; 1973, 286; 1981, 611; 1993, 1717; 1997, 2093;

[1999, 3648](#); [2003, 540](#))

NRS 555.320 Issuance, expiration and renewal of license. [Effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Director finds the applicant qualified, and upon the applicant's appointing the Director agent for service of process and finding that the applicant has satisfied the requirements of [NRS 555.330](#), the Director shall issue a license to perform pest control within this State.

2. The license period is the calendar year. All licenses expire on December 31 of each year. The license may be renewed annually upon application to the Director and payment of the license fee on or before December 31 of each year.

3. The license may restrict the licensee to the use of a certain type or types of equipment or materials if the Director finds that the applicant is qualified to use only a certain type or types.

4. If a license is not issued as applied for, the Director shall inform the applicant in writing of the reasons therefor.

[Part 3:215:1955]—(NRS A 1957, 753; 1959, 243; 1961, 531; 1967, 368; 1971, 1254; 1973, 286; 1981, 611; 1993, 1717; 1997, 2093; [1999, 3648](#); [2003, 540](#), effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)

NRS 555.325 Application for license: Statement by applicant concerning payment of child support; grounds for denial; duty of Director. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. A natural person who applies for the issuance or renewal of a license to perform pest control shall submit to the Director the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to [NRS 425.520](#). The statement must be completed and signed by the applicant.

2. The Director shall include the statement required pursuant to subsection 1 in:

- (a) The application or any other forms that must be submitted for the issuance or renewal of the license; or
- (b) A separate form prescribed by the Director.

3. A license to perform pest control may not be issued or renewed by the Director if the applicant is a natural person who:

- (a) Fails to submit the statement required pursuant to subsection 1; or
- (b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Director shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

(Added to NRS by 1997, 2091; A [1999, 3648](#))

NRS 555.330 Proof of insurance required of applicant for license; actions by injured persons; limitation of actions; investigations by Director.

1. The Director shall require from each applicant for a pest control license proof of public liability and property damage insurance in an amount of:

- (a) Except as otherwise provided in paragraph (b), not less than \$10,000.
- (b) If the license would authorize the application of pesticides by aircraft:
 - (1) Not less than \$100,000 for bodily injury to or death of one person in any one accident;
 - (2) Subject to the limit for one person, not less than \$300,000 for bodily injury to or death of two or more persons in any one accident; and
 - (3) Not less than \$100,000 for each occurrence of damage to property in any one accident.

➤ The Director may accept a liability insurance policy or surety bond in the proper amount.

2. The Director may require drift insurance for the use of pesticides or other materials declared hazardous or dangerous to man, livestock, wildlife, crops or plantlife.

3. Any person injured by the breach of any such obligation is entitled to sue in his own name in any court of competent jurisdiction to recover the damages he sustained by that breach, if each claim is made within 6 months after the alleged injury.

4. The Director on his own motion may, or upon receipt of a verified complaint of an interested person shall, investigate, as he deems necessary, any loss or damage resulting from the application of any pesticide by a licensed pest control operator. A verified complaint of loss or damage must be filed within 60 days after the time that the occurrence of the loss or damage becomes known except that, if a growing crop is alleged to have been damaged, the verified complaint must be filed before 50 percent of the crop has been harvested. A report of investigations resulting from a verified complaint must be furnished to the person who filed the complaint.

[Part 3:215:1955]—(NRS A 1957, 753; 1961, 531; 1965, 65; 1967, 369; 1969, 353; 1971, 1255; 1981, 612; 1983, 231; 1987, 170; 1993, 1717; [1999, 3649](#); [2001, 469](#))

NRS 555.350 Suspension, revocation or modification of license.

1. The Director may suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may revoke, suspend or modify any license issued under [NRS 555.2605](#) to [555.460](#), inclusive, if he finds that:

- (a) The licensee is no longer qualified;
- (b) The licensee has engaged in fraudulent business practices in pest control;
- (c) The licensee has made false or fraudulent claims through any media by misrepresenting the effect of materials or methods to be used;
- (d) The licensee has applied known ineffective or improper materials;
- (e) The licensee operated faulty or unsafe equipment;
- (f) The licensee has made any application in a faulty, careless or negligent manner;
- (g) The licensee has violated any of the provisions of [NRS 555.2605](#) to [555.460](#), inclusive, or regulations adopted pursuant thereto;
- (h) The licensee engaged in the business of pest control without having a licensed applicator or operator in direct on-the-job supervision;

(i) The licensee aided or abetted a licensed or an unlicensed person to evade the provisions of [NRS 555.2605](#) to [555.460](#), inclusive, combined or conspired with such a licensee or an unlicensed person to evade the provisions, or allowed one's license to be used by an unlicensed person;

(j) The licensee was intentionally guilty of fraud or deception in the procurement of his license; or

(k) The licensee was intentionally guilty of fraud or deception in the issuance of an inspection report on wood-destroying pests or other report required by regulation.

2. A license is suspended automatically, without action of the Director, if the proof of public liability and property damage or drift insurance filed pursuant to [NRS 555.330](#), is cancelled, and the license remains suspended until the insurance is reestablished.

[Part 3:215:1955]—(NRS A 1959, 244; 1961, 531; 1965, 66; 1967, 369; 1969, 353; 1971, 1255; 1975, 358; 1981, 612; 1993, 1717; [1999, 3649](#); [2003, 540](#))

NRS 555.3505 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Director receives a copy of a court order issued pursuant to [NRS 425.540](#) that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to perform pest control, the Director shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Director receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to [NRS 425.550](#) stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

2. The Director shall reinstate a license to perform pest control that has been suspended by a district court pursuant to [NRS 425.540](#) if the Director receives a letter issued by the district attorney or other public agency pursuant to [NRS 425.550](#) to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

(Added to NRS by 1997, 2092; A [1999, 3650](#))

NRS 555.3507 Primary principal required at each business location; suspension of license for failure to comply.

1. A person licensed to engage in pest control shall ensure that each of his business locations in this State has a primary principal who is licensed in the appropriate category or categories of pest control.

2. If a licensee ceases to have a primary principal at each of his business locations in this State for 30 consecutive calendar days, his license for pest control is automatically suspended, without action of the Director, and remains suspended until such time as the licensee obtains a primary principal for each business location.

3. As used in this section, "primary principal" means an owner, officer, partner, member or technician of a pest control business who has qualified by examination in one or more of the categories of pest control and who has been designated by the pest control business as the person responsible for the daily supervision of the category or categories of pest control performed by a business location of the pest control business within this State.

(Added to NRS by [2003, 532](#))

NRS 555.351 Restricted-use pesticides: Certificate and permits required for use.

1. A person shall not use any restricted-use pesticide within this State at any time without a certificate issued by the Director except a person using any restricted-use pesticide under the supervision of a certified applicator.

2. If the Director has adopted regulations requiring:

(a) A permit pursuant to [NRS 586.403](#); or

(b) A special use permit pursuant to [NRS 586.405](#),

➔ for a restricted-use pesticide, a person shall not use that pesticide without obtaining the required permit.

(Added to NRS by 1975, 593; A 1993, 1718; [1999, 3650](#))

NRS 555.353 Restricted-use pesticides: Application for certificate. Application for a certificate must be made to the Director and contain such information regarding the applicant's qualifications and proposed operations and other relevant matters as required pursuant to the regulations adopted by the Director.

(Added to NRS by 1975, 594; A 1993, 1718; [1999, 3651](#))

NRS 555.355 Restricted-use pesticides: Qualifications and examination of applicant for certificate; fees established by regulation.

1. The Director may require the applicant to show, upon examination, that he possesses adequate knowledge concerning the proper use and application of restricted-use pesticides and the dangers involved and precautions to be taken in connection with the application of those pesticides, including, but not limited to, the following areas:

(a) Label and labeling comprehension.

(b) Environmental consequences of pesticide use and misuse.

(c) Pests.

(d) Pesticides.

(e) Equipment.

(f) Application techniques.

(g) Laws and regulations.

(h) Safety.

2. In addition, the Director may require the applicant to meet special qualifications of competency to meet the special needs of a given locality regarding the use or application of a specific restricted-use pesticide.

3. The Director shall collect from each person applying for an examination or reexamination, in connection with the issuance of a certificate, a testing fee established by regulation of the State Board of Agriculture for any one examination period.

(Added to NRS by 1975, 594; A 1993, 1718; [1999, 3599, 3651](#))

NRS 555.357 Restricted-use pesticides: Issuance, expiration and renewal of certificates; regulations concerning renewal.

1. If the Director finds that the applicant is qualified, he shall issue a certificate to make application of or to supervise the application of restricted-use pesticides within this State.

2. A certificate is valid for 4 calendar years and expires on December 31. The certificate may be renewed upon completion of the requirements established by the regulations of the Director.
 3. The Director shall adopt regulations concerning the requirements for renewal of a certificate.
 4. The certificate may limit the applicant to the use of a certain type or types of equipment or material if the Director finds that the applicant is qualified to use only that type or types.
 5. If a certificate is not issued as applied for, the Director shall inform the applicant in writing of the reasons therefor.
- (Added to NRS by 1975, 594; A 1983, 231; 1993, 1719; [1999, 3651](#))

NRS 555.359 Restricted-use pesticides: Denial, suspension, revocation or modification of certificate. The Director may deny or suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may deny, revoke, suspend or modify any certificate issued under the provisions of [NRS 555.351](#) to [555.357](#), inclusive, if he finds that the applicant or the certified applicator:

1. Is no longer qualified;
 2. Has applied known ineffective or improper materials;
 3. Has applied materials inconsistent with labeling or other restrictions imposed by the Director;
 4. Has operated faulty or unsafe equipment;
 5. Has made any application in a faulty, careless or negligent manner;
 6. Aided or abetted an uncertified person to evade the provisions of [NRS 555.351](#) to [555.357](#), inclusive, combined or conspired with an uncertified person to evade those provisions, or allowed one's certificate to be used by an uncertified person;
 7. Was guilty of fraud or deception in the procurement of his certificate;
 8. Has deliberately falsified any record or report;
 9. Has violated any of the provisions of [NRS 555.351](#) to [555.357](#), inclusive, [555.390](#) or any regulation adopted pursuant thereto; or
 10. Has failed or neglected to give adequate instruction or direction to an uncertified person working under his supervision.
- (Added to NRS by 1975, 595; A 1993, 1719; [1999, 3651](#))

NRS 555.360 Judicial review of action of Director.

1. Any person aggrieved by any action of the Director may obtain a review thereof by filing in the district court of the county in which the person resides, within 30 days after notice of the action, a written petition praying that the action of the Director be set aside.
 2. A copy of the petition must forthwith be delivered to the Director, and within 20 days thereafter, the Director shall certify and file in the court a transcript of any record pertaining thereto, including a transcript of evidence received.
 3. Upon compliance with the provisions of subsections 1 and 2, the court has jurisdiction to affirm, set aside or modify the action of the Director, except that the findings of the Director concerning the facts, if supported by substantial evidence, are conclusive.
- [Part 3:215:1955]—(NRS A 1961, 531; 1993, 1720; [1999, 3652](#))

NRS 555.370 Inspection of equipment; repairs. The Director may provide for the inspection of any ground equipment or of any device or apparatus used for application of pesticides by aircraft, and may require proper repairs or other changes before its further use.

[4:215:1955]—(NRS A 1959, 244; 1961, 532; 1967, 370; 1971, 1256; 1973, 286; 1993, 1720; [1999, 3652](#))

NRS 555.380 Regulations of Director: Materials and methods for application.

1. The Director may, by regulation, prescribe materials or methods to be used and prohibit the use of materials or methods in custom application of pesticides, to the extent necessary to protect health or to prevent injury because of the drifting, washing or application of those materials to desired plants or animals, including pollinating insects and aquatic life.
 2. In adopting the regulations, the Director shall give consideration to relevant research findings and recommendations of other agencies of this State or of the Federal Government.
- [5:215:1955]—(NRS A 1959, 244; 1961, 532; 1967, 370; 1971, 1256; 1975, 359; 1993, 1720; [1999, 3652](#))

NRS 555.390 Regulations of Director: Records and reports of licensees and certified applicators.

1. The Director may, by regulation, require any licensee to maintain such records and furnish reports giving such information with respect to particular applications of pesticides and such other relevant information as he may deem necessary.
 2. The Director may, by regulation, require any certified applicator to maintain such records and furnish reports giving such information with respect to application of restricted-use pesticides and such other relevant information as he may deem necessary.
- [6:215:1955]—(NRS A 1959, 244; 1961, 532; 1967, 370; 1975, 359, 595; 1993, 1720; [1999, 3653](#))

NRS 555.400 Regulations of Director: General authority; limitations.

1. The Director may adopt regulations to carry out the provisions of [NRS 555.2605](#) to [555.460](#), inclusive, but the regulations must not be inconsistent with regulations issued by this State or by the Federal Government relating to safety in air navigation or operation of aircraft.
 2. Before issuing regulations directly relating to any matter within the jurisdiction of any other officer of this State, the Director shall consult with that officer with reference thereto.
- [7:215:1955]—(NRS A 1961, 532; 1971, 1256; 1975, 596; 1993, 1720; [1999, 3653](#))

NRS 555.410 Publication of information regarding injuries from improper application and prevention of injuries. The Director may, in cooperation with the Nevada System of Higher Education, publish information regarding injury which may result from improper application or handling of pesticides and methods and precautions designed to prevent such an injury.

[8:215:1955]—(NRS A 1959, 244; 1961, 532; 1967, 370; 1969, 1446; 1971, 1257; 1993, 416, 1721; 1995, 579; [1999, 3653](#))

NRS 555.420 Authority of Director and inspectors to enter and inspect public or private premises. To carry out the provisions of [NRS 555.2605](#) to [555.460](#), inclusive, the Director and his appointed inspectors may enter upon any public or private premises at reasonable times to inspect, audit, sample or monitor any aircraft, ground equipment, records, storage, pesticides, pesticide sprays, disposal operations or other operations which are subject to [NRS 555.2605](#) to [555.460](#), inclusive, or regulations adopted pursuant thereto.

[11:215:1955]—(NRS A 1961, 533; 1971, 1257; 1975, 359, 596; 1977, 312; 1993, 1721; [1999, 3653](#))

NRS 555.460 Violation of provisions: Criminal penalty; administrative fine. Any person violating the provisions of [NRS 555.2605](#) to [555.420](#), inclusive, or the regulations adopted pursuant thereto, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not more than \$5,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.

[9:215:1955]—(NRS A 1961, 533; 1971, 1257; 1975, 596; 1993, 899; 1995, 548; [1999, 3653](#); [2003, 541](#))

NRS 555.470 Enforcement by Director: Administrative fine; order to correct violation; request for action by district attorney; regulations.

1. The Director shall adopt regulations specifying a schedule of fines which may be imposed, upon notice and a hearing, for each violation of the provisions of [NRS 555.2605](#) to [555.460](#), inclusive. The maximum fine that may be imposed by the Director for each violation must not exceed \$5,000 per day. All fines collected by the Director pursuant to this subsection must be remitted to the county treasurer of the county in which the violation occurred for credit to the county school district fund.

2. The Director may:

(a) In addition to imposing a fine pursuant to subsection 1, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the State Board of Agriculture suspects may have violated any provision of [NRS 555.2605](#) to [555.460](#), inclusive.

(Added to NRS by 1993, 1193; A 1995, 556; [1999, 3653](#); [2003, 541](#))

RODENT CONTROL DISTRICTS

NRS 555.500 Legislative declaration. The Legislature declares that it is primarily the responsibility of each owner or occupier of land in this State to control rodents on his own land, but finds that in certain areas this responsibility can best be discharged through cooperation in organized districts.

(Added to NRS by 1969, 480)

NRS 555.510 Creation of district: Petition; notice and hearing; exclusion of land.

1. The board of county commissioners of any county shall create one or more rodent control districts in that portion of the county which lies outside any incorporated city if there is filed a petition which:

(a) Designates the area to be included in the rodent control district, either as the entire unincorporated area of the county or by sections or parts of sections with appropriate township and range references; and

(b) Is signed by the owners of more than 50 percent in assessed valuation, as shown by the current assessment roll of the county, of the lands to be included in the rodent control district.

2. Before creating a rodent control district, the board of county commissioners shall hold at least one public hearing, of which they shall give notice by publication, in a newspaper of general circulation in the county, of at least one notice published not less than 10 days before the date of the hearing. At this hearing, the board of county commissioners shall entertain applications for the exclusion of lands, designated by sections or parts of sections as prescribed in subsection 1, from the proposed district, if any such application is made. The board of county commissioners shall exclude any such lands as to which it is shown to their satisfaction that any rodents which exist on that land do not render substantially more difficult the control of rodents on other lands in the proposed district.

(Added to NRS by 1969, 480; A 1987, 1729)

NRS 555.520 Board of directors: Number; qualifications; appointment; terms; vacancies.

1. The board of county commissioners of any county in which a rodent control district has been created shall appoint a board of directors of the district composed of three persons who:

(a) Are landowners in the district, whether or not they signed the petition for its creation. For the purpose of this paragraph, if any corporation or partnership owns land in the district, a partner or a director, officer or beneficial owner of 10 percent or more of the stock of the corporation shall be deemed a landowner.

(b) Fairly represent the agricultural economy of the district.

2. The initial appointments to the board of directors shall be for terms of 1, 2 and 3 years respectively. Each subsequent appointment shall be for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term.

(Added to NRS by 1969, 480)

NRS 555.530 Board of directors: Powers. The board of directors of a rodent control district may:

1. With the approval of the Director, appoint a rodent control officer.

2. Receive and expend any money provided by assessment, voluntary contribution or otherwise for the control of rodents in the district.

3. Exercise any other power necessary or proper to carry out the purposes for which the district exists.

4. Elect a chairman from among its members, and secretary who may be a member of the board.

(Added to NRS by 1969, 481; A 1975, 556; 1993, 1721; [1999, 3654](#))

NRS 555.540 Regulations. The State Board of Agriculture shall, after a hearing held in the county, promulgate regulations for each rodent control district, which shall include but are not limited to:

1. The species of rodents to be controlled in the district.

2. The means of control, including a designation of the types of rodenticides permitted and the movement from, to and within the district of agricultural products and other vectors capable of spreading the rodents designated for control.

(Added to NRS by 1969, 481)

NRS 555.550 Submission of plans by landowners after promulgation of regulations; performance of necessary work by rodent control officer on failure by landowner; charges as lien.

1. Within 60 days after regulations have been promulgated for any rodent control district, each landowner in the district shall file with the board of directors:

(a) A sketch of his land; and

(b) A plan for the control of rodents on his land.

2. If any landowner fails to submit the plan as required by subsection 1, the rodent control officer shall prepare such a plan.

3. The board of directors shall consider each plan submitted by a landowner or prepared by the rodent control officer and shall, consistently with the regulations for the district:

(a) Approve the plan; or

(b) Require specified changes in the plan.

4. If any landowner fails to carry out the plan of rodent control for his land as approved or modified by the board of directors, the

rodent control officer may, after giving 10 days' notice in writing to the owner by registered or certified mail directed to his last known address, enter upon the land, perform any work necessary to carry out the plan, and charge such work against the landowner. Any such charge, until paid, is a lien against the land affected coequal with a lien for unpaid general taxes, and may be enforced in the same manner.

(Added to NRS by 1969, 481)

NRS 555.560 Assessments; liens; loans.

1. Upon the preparation and approval of a budget in the manner required by the Local Government Budget and Finance Act, the board of county commissioners shall, by resolution, levy an assessment upon all real property in the rodent control district.

2. Every assessment so levied shall be a lien against the property assessed.

3. The county commissioners may obtain short-term loans of an amount of money not to exceed the total amount of such assessment, for the purpose of paying the expenses of controlling the rodents in a rodent control district. Such loans may be made only after such assessments are levied.

(Added to NRS by 1969, 481; A [2001, 1828](#))

NRS 555.570 Penalty. Any person violating any of the provisions of [NRS 555.500](#) to [555.560](#), inclusive, or failing, refusing or neglecting to perform or observe any conditions or regulation prescribed by the State Board of Agriculture, in accordance with the provisions of [NRS 555.500](#) to [555.540](#), inclusive, is guilty of a misdemeanor.

(Added to NRS by 1969, 481)